

87th Legislative Session – 2012

Committee: House Taxation

Tuesday, February 07, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Conzet
P Feickert
P Feinstein
P Hunhoff (Bernie)
P Kirkeby
P Kirschman
P Liss
P Moser
P Perry
P Rozum
P Russell
P Solum
P Wick
P Greenfield, Vice-Chair
P Willadsen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman, Representative Mark Willadsen.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 2, 2012.

Moved by: Greenfield
Second by: Solum
Action: Prevailed by voice vote.

HB 1216: lower the state sales and use tax on certain food items and to increase the rate of taxation for the sales and use tax on certain goods and services.

Presented by: Representative Marc Feinstein (Handouts: #1)

Proponents: Greg Boris, South Dakota Voices for Children
Matt Gassen, Feeding South Dakota
Kathy Kersey, Self, Sioux Falls
Calle Roggatz, Self, Sioux Falls
Cathy Brechtelsbauer, Self, Sioux Falls (Handouts: #2)
Senator Billie Sutton
Karl Kroger, Self, Pierre
Luke Temple, Dakota Rural Action
Opponents: Jan Talley, Department of Revenue
Shawn Lyons, SD Retailers Association
David Owen, SD Chamber of Commerce and Industry

MOTION: DO PASS HB 1216

Moved by: Kirkeby
Second by: Feinstein
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1216 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield
Second by: Solum
Action: Prevailed by roll call vote. (10-5-0-0)

Voting Yes: Conzet, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

Voting No: Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman

HB 1214: to lower the state sales and use tax on certain food items if certain economic conditions occur.

Presented by: Representative Hal Wick (Handouts: #3)
Proponents: Cathy Brechtelsbauer, Self, Sioux Falls
Kathy Kersey, Self, Sioux Falls
Luke Temple, Dakota Rural Action
Opponents: Jim Terwilliger, Bureau of Finance and Management

MOTION: AMEND HB 1214

1214fb

On page 1, line 10, of the printed bill, after "year" insert ", when the total revenue increases for

such taxes average at least six percent or more over the previous three state fiscal years,".

On page 1, line 10, delete "as defined in".

On page 1, line 11, delete "§ 10-13-38".

On page 2, line 1, delete "as defined in § 10-13-38." insert ". For the purpose of this section, the term, index factor, means the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics, United States Department of Labor for the previous calendar year.".

On page 2, line 8, after "year" insert ", when the total revenue increases for such taxes average at least six percent or more over the previous three state fiscal years,".

On page 2, line 8, delete "as defined in".

On page 2, line 9, delete "§ 10-13-38".

On page 2, line 13, delete "as defined in § 10-13-38." insert ". For the purpose of this section, the term, index factor, means the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics, United States Department of Labor for the previous calendar year.".

Moved by: Wick
Second by: Kirschman
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1214

Moved by: Feinstein
Second by: Kirschman
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1214 TO THE 41ST LEGISLATIVE DAY

Moved by: Perry
Second by: Solum
Action: Prevailed by roll call vote. (8-7-0-0)

Voting Yes: Conzet, Liss, Moser, Perry, Rozum, Solum, Greenfield, Willadsen

Voting No: Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Russell, Wick

The Chair recessed the meeting until immediately after Legislative Session this afternoon in Room 414. Public testimony was taken on HB 1237 and 1240 before and after the recess.

The Chair reconvened the meeting at 3:55 PM.

Roll Call was taken, all Committee Members were present.

HB 1237: assess agricultural land based on its actual use.

Presented by: Representative James Schaefer (Handouts: #4)

Proponents: Representative H. Paul Dennert

Lyle Perman, Self, Lowry

Jeff Albrecht, Self, Doland

Jim Faulstich, Self, Highmore

Representative Justin Cronin

Opponents: Mike Houdyshell, Department of Revenue

Senator Larry Rhoden

Jeremiah M. Murphy, SD Stockgrowers

Michael Held, SD Farm Bureau

Rick Vallery, SD Wheat Inc.

Matthew McCaulley, SD Corn Growers Assn.

Brenda Forman, SD Cattlemen's Association

Angela Ehlers, SD Association of Conservation Districts

MOTION: DO PASS HB 1237

Moved by: Feickert

Second by: Hunhoff (Bernie)

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1237 TO THE 41ST LEGISLATIVE DAY

Moved by: Wick

Second by: Greenfield

Action: Prevailed by roll call vote. (9-6-0-0)

Voting Yes: Conzet, Kirkeby, Liss, Perry, Russell, Solum, Wick, Greenfield, Willadsen

Voting No: Feickert, Feinstein, Hunhoff (Bernie), Kirschman, Moser, Rozum

HB 1240: separately classify, assess, and tax agricultural land that is leased for certain purposes that restrict the use of the land.

Presented by: Representative David Sigdestad

Proponents: Jerry Mork, Self, Pierpoint
LeRon Knebel, Self, Eden
Keith Hupke, Self, Langford
David N. Nelson, Self, Langford
Lyle Michlitsch, Self, Langford
Representative Lance Russell

Opponents: Mike Houdyshell, Department of Revenue
Michael Held, SD Farm Bureau
Rick Vallery, SD Wheat Inc.
Matthew McCaulley, SD Corn Growers Assn.
Angela Ehlers, SD Association of Conservation Districts

MOTION: AMEND HB 1240

1240fb

On page 1, line 6, of the printed bill, delete "lease" and insert "easement".

On page 1, line 8, delete everything after "longterm" and insert "easement, means any easement".

On page 1, line 9, delete "twenty or more" and insert "more than thirty".

On page 2, line 9, delete "leaseholder" and insert "easement holder".

On page 2, line 13, delete "leaseholder" and insert "easement holder".

Moved by: Russell
Second by: Greenfield
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1240 AS AMENDED

Moved by: Russell
Second by: Kirschman
Action: Failed by roll call vote. (5-10-0-0)

Voting Yes: Feickert, Feinstein, Liss, Russell, Greenfield

Voting No: Conzet, Hunhoff (Bernie), Kirkeby, Kirschman, Moser, Perry, Rozum, Solum, Wick, Willadsen

MOTION: DEFER HB 1240 TO THE 41ST LEGISLATIVE DAY

Moved by: Perry

Second by: Solum

Action: Prevailed by roll call vote. (9-6-0-0)

Voting Yes: Feickert, Hunhoff (Bernie), Kirschman, Moser, Perry, Rozum, Solum, Wick, Willadsen

Voting No: Conzet, Feinstein, Kirkeby, Liss, Russell, Greenfield

HB 1159: exempt certain postage and markup for handling from sales and use taxes.

Presented by: Representative Shawn Tornow

MOTION: TO TABLE HB 1159

Moved by: Greenfield

Second by: Feickert

Action: Prevailed by roll call vote. (15-0-0-0)

Voting Yes: Conzet, Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

HB 1146: increase the personal property and annuity payments exempt from process, levy, or sale.

MOTION: REMOVE HB 1146 FROM THE TABLE

Moved by: Feinstein

Second by: Kirkeby

Action: Failed by roll call vote. (7-8-0-0)

Voting Yes: Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Russell, Greenfield

Voting No: Conzet, Liss, Moser, Perry, Rozum, Solum, Wick, Willadsen

MOTION: ADJOURN

Moved by: Greenfield

Second by: Solum

Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Mark K. Willadsen, Chair